

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

NICOLE ESTES,

Plaintiff,

VS.

**THE OMAHA SCHOOL
FOUNDATION d.b.a. THE KIDS
CLUB, a Corporation,**

Defendant.

8:05CV510

ORDER

This matter is before the court on defendant's MOTION TO COMPEL RESPONSES TO DISCOVERY REQUESTS [28]. Defendant has complied with NECivR 7.1(i). Plaintiff has not filed any response to the motion.

The record shows that defendant served interrogatories and requests for production of documents on the plaintiff on February 8, 2006. To date, the plaintiff has not responded to any of the discovery requests.

The court has reviewed the requests and finds that they are appropriate under Fed. R. Civ. P. 26(b). The court further finds that, by failing to timely respond to the requests or to the motion to compel, plaintiff has waived all objections to the discovery requests and that defendant's motion should be granted. The plaintiff will be given until and including March 30, 2007 to serve all responses to defendant's discovery requests.

Plaintiff is cautioned that failure to comply with this order and failure to respond to defendant's outstanding discovery requests may have very serious consequences. Rule 37

of the Federal Rules of Civil Procedure provides an array of sanctions a court may impose for a party's failure to obey a court's discovery order, including payment of costs and attorney's fees and/or dismissal of the action. The case may also become subject to involuntary dismissal pursuant to Fed. R. Civ. P. 41(b).

IT IS ORDERED:

1. Defendant's MOTION TO COMPEL RESPONSES TO DISCOVERY REQUESTS [28] is granted.

2. The plaintiff is given a final extension of time until and including **March 30, 2007** to serve all responses to defendant's discovery requests.

3. Noting the plaintiff's reported medical condition, the court finds that the circumstances of this discovery dispute would make an award of expenses unjust and the court declines to award costs or fees to either party in conjunction with this motion. *See* Fed. R. Civ. P. 37(a)(4)(B).

DATED March 9, 2007.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**